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BRINKS HOFER GILSON & LIONE/MARVELL
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CHICAGO, IL 60610

EXAMINER

BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,895

Applicant(s)

WATSON, BRIAN S.

Examiner

James H. Blackwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/06/2007 has been entered.
2. The priority date is **02/05/2004**.
3. Claims 39-69 are pending.
4. Claims 1-38 have been cancelled.
5. Claims 39-69 are new claims.
6. Claims 39, 49, 57, 60, 68, and 69 are independent claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 49-67, and 69 are rejected under 35 U.S.C. 102(e) as being anticipated by Cruikshank et al. (hereinafter Cruikshank, U.S. Patent Application Publication No. 2004/0090468 A1 filed 11/04/2003, published 05/13/2004).

In regard to independent Claim 49, Cruikshank discloses:

- *A method for rendering a composite image* (Abstract → a kiosk allowing users to create posters from supplied or provided content including images), *the method comprising:*
 - *receiving binary image data from an external data source, the binary image data defining one or more images to be viewed or rendered* (Pg. 2, Paragraphs [0030-0032] → various user input means are provided for the user to input binary data (scanner, DVD/CD ROM, digital media cards)).
 - *receiving user input information selecting a page layout for multiple images* (Pgs. 3-4, Paragraphs [0041-0042] → a number of templates for laying out the user and/or supplied images are provided and the user selects one).

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- *receiving user input information selecting images from the one or more images to be viewed or rendered, the selected images to be arranged according to the selected page layout (Pgs. 3-4, Paragraphs [0041-0042] → template is chosen and images are placed within template by the user).*
- *converting the received binary image data for the selected images into corresponding displayable image data (Pg. 4, Paragraph [0042] → a user can select their images or provided images from thumbnail renderings of those images. In addition, a preview of the created poster containing user images and other user-inputted content is rendered and previewed on the display screen).*
- *using the displayable image data to produce a composite image for viewing by a user (Pgs. 3-4, Paragraphs [0041-0042] → thumbnail versions of images are placed into the chosen template spaces provided for images).*
- *using the received binary image data to render the composite image onto a medium (Pg. 4, Paragraph [0042] → a preview of the rendered poster is provided to the user to check prior to sending the poster to a color printer for rendering to a medium).*

In regard to dependent Claim 50, Cruikshank discloses:

- *manipulating the binary image data prior to rendering the composite image (Pg. 4, Paragraph [0042] → images selected for the poster can be zoomed, cropped,*

rotated or otherwise manipulated to conform to a chosen template as the poster is being assembled by the user).

In regard to dependent Claim 51, Cruikshank discloses:

- *manipulating the binary image data comprises editing operations, compositing operations, image processing operations, deleting operations and adding operations* (Pg. 4, Paragraph [0042] → images selected for the poster can be zoomed, cropped, rotated or otherwise manipulated to conform to a chosen template as the poster is being assembled by the user).

In regard to dependent Claim 52, Cruikshank discloses:

- *receiving the binary image data comprises receiving the binary image data through a communication link* (Pg. 2, Paragraph [0031] → image input devices are connected to the kiosk computer via USB network links).

In regard to dependent Claim 53, Cruikshank discloses:

- *receiving the binary image data through a communication link comprises*
 - *receiving the binary image data from one of a storage media, an image capture device, a digital camera, a personal communication device, a cellular telephone and a personal digital assistant* (Pg. 2, Paragraphs [0030-0032] → the user can input their images into the kiosk system through the use of a scanner, DVD/CD ROM, media card readers, etc.).

In regard to dependent Claim 54, Cruikshank discloses:

- *receiving the binary image data through a communication link comprises
 - *receiving the binary image data over one of a wireless link, a wired link and a USB cable (Pg. 2, Paragraph [0031] → image input devices are connected to the kiosk computer via USB network links).**

In regard to dependent Claim 55, Cruikshank discloses:

- *receiving the binary image data through a communication link comprises
 - *receiving one or more of text data, digital picture data, graphic data, drawing data and images (at least Pg. 2, Paragraph [0030] → user can input their images through a number of input devices such as scanners, various media drives).**

In regard to dependent Claim 56, Cruikshank discloses:

- *detecting actuation of one or more switches by the user; and based on the detected actuation, generating a signal representing the user input information; and in response to the signal, controlling one or more of selecting the page layout, selecting the images, producing the composite image for viewing by the user, and rendering the composite image onto the medium (Pgs. 3-4, Paragraphs [0041-0042], Figs 3A-B → user can utilize a number of controls (e.g., touch screen buttons) to select templates, to place their photos and/or text into the*

template, to modify the images to best fit the template, and to invoke the preview and eventual printing of the created poster).

In regard to Claim 57, Claim 57 merely recited an apparatus for carrying out the method of Claim 49. Thus, Cruikshank discloses every limitation of Claim 57, as indicated in the above rejection for Claim 49.

In regard to dependent Claim 58, Cruikshank discloses:

- *the means for receiving binary image data comprises one or more of a media reader, a connection port for coupling to a cable, and a transceiver (Pg. 2, Paragraphs [0030-0032] → the user can input their images into the kiosk system through the use of a scanner, DVD/CD ROM, media card readers, etc. which are connected to the kiosk computer via USB cables).*

In regard to dependent Claim 59, Cruikshank discloses:

- *the means for converting the received binary image data comprises a multiple image manipulation module to manipulate the received binary image data and, based on the received user input information, to generating a composite image file (Pgs. 3-4, Paragraphs [0041-0042], Figs 3A-B → user can utilize a number of controls (e.g., touch screen buttons) to select templates, to place their photos and/or text into the template, to modify the images to best fit the template, and to invoke the preview and eventual printing of the created poster).*

In regard to Claims 60-67, Claims 60-67 merely recite a computer-readable medium for storing a program for carrying out the method of Claims 49-56, respectively. Thus, Cruikshank discloses every limitation of Claims 60-67, as indicated in the above rejections for Claims 49-56.

In regard to independent Claim 69, Cruikshank discloses:

- *A method for rendering data which defines multiple images (Abstract → a kiosk allowing users to create posters from supplied or provided content including images), the method comprising:*
 - *receiving binary image data from an external data source, the binary image data defining one or more images to be viewed or rendered (Pg. 2, Paragraphs [0030-0032] → various user input means are provided for the user to input binary data (scanner, DVD/CD ROM, digital media cards)).*
 - *prompting a user to select a page format or page layout (Pgs. 3-4, Paragraphs [0041-0042] → a number of templates for laying out the user and/or supplied images are provided and the user selects one).*
 - *prompting a user to place an image in a place holder of the selected page format or page layout (Pgs. 3-4, Paragraphs [0041-0042] → template is chosen and images are placed within template by the user).*
 - *if an edit command has been received from the user, performing one or more edit operations specified by the edit command (Pg. 4, Paragraph [0042], Fig. 3B step 350 → user is prompted to edit placed image).*

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- *otherwise, determining if another image is to be added to the selected page format or page layout (Fig. 3B, step 348 → system loops for all images needed by the template).*
- *if another image is to be added, retrieving binary image data for the other image (Fig. 3A, step 328-246 → additional images are retrieved).*
- *retrieving binary image data to fill other place holders of the selected page format or page layout (Fig. 3B, step 348 → additional images are retrieved and placed into template).*
- *using the retrieved binary image data, rendering the image including the multiple images onto a medium (Fig. 3B, steps 360-368 → customer pays for poster and poster is printed).*

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 39-48, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nitta et al. (hereinafter Nitta, U.S. Patent Application Publication No. 2004/0060011 A1 filed 09/02/2003, published 03/25/2004) in view of Cruikshank.

In regard to independent Claim 39, Nitta discloses:

- *a rendering engine for rendering images onto a medium (Abstract → discloses a print preview projector for a printing device).*
- *an input port for receiving binary image data for a plurality of images (Pg. 7, Paragraph [0156-0157] → image data is received by the print preview projector mechanism from the data processor via USB, IEEE1394 (firewire) or 10BaseT or wireless communications such as IEEE802.11x, Bluetooth, or optical communications. The printing device or the display unit can also have a scanning device for capturing images).*
- *a print preview projection mechanism for converting the received binary image data into corresponding displayable image data for the plurality of images and for projecting the displayable image data for viewing by a user (Fig. 2; Pg. 3, Paragraph [0083] → discloses a print preview projector that projects binary images (bitmaps, jpegs) for adjustment and review by a user prior to sending the rendered image to a print device).*

Nitta fails to expressly disclose:

- *the print preview projection mechanism including
 - *a multiple image manipulation module to receive image data and user input and, based thereon, to generate a composite image file for the plurality of images.**

However, Cruikshank discloses a *print preview projection mechanism including*

a multiple image manipulation module to receive image data and user input and, based thereon, to generate a composite image file for the plurality of images (Pg. 4, Paragraph [0045] → provides a kiosk workstation where a user can input a number of images and create posters or other such items (e.g., calendars) by combining and manipulating their inputted images using templates. They can preview their work prior to printing by “projecting” a preview onto the kiosk screen).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Nitta and Cruikshank as both inventions relate to the creation and display of renderable content. Both disclosures provide the user with a means to preview their creations prior to generating a hard copy; Nitta projects the preview onto a surface while Cruikshank displays a preview on a touch screen. Both disclosures also allow the user to interact with their displayed content until such time as they are ready to produce a hard copy. When combined with Nitta, Cruikshank provides the benefit of more detailed creation and editing of posters that can contain multiple images.

In regard to dependent Claim 40, Nitta discloses:

Note: the term “rendered” is interpreted broadly to indicate the production of an image either for display (preview) or to make a hard copy thereof.

- *the print preview projection mechanism provides the user with a preview of one or more image[s] to be rendered of the plurality of images defined by the image data prior to rendering of the image data (at least Figs. 6-10, Pgs. 4-5,*

Paragraphs [0095-0107] → a print preview projector for projecting image(s) for review prior to printing them).

- *wherein the print preview projection mechanism includes a display format mechanism for converting the received binary image data for the plurality of images into the corresponding displayable image data for the plurality of images (Pg. 4, Paragraph [0097] → determines projection mode, plane, and adjustment values for content data (image(s)) received from the content data receiver in order to properly project it. It is noted that this ability could apply to one or more images).*

In regard to dependent Claim 41, Nitta discloses:

- *the print preview projection mechanism comprises a projection mechanism for projecting the displayable image data for the plurality of images onto a two-dimensional surface; and wherein the projected preview image is a two-dimensional image (see Figs. 7-10 → two-dimensional images projected onto a two-dimensional surface).*

In regard to dependent Claim 42, Nitta discloses:

- *the print preview projection mechanism comprises a projection mechanism for projecting the displayable image data for the plurality of images into a three-dimensional space; and wherein the projected preview image is one of a two-*

dimensional image and a three-dimensional image (see Fig. 4 → depicts a two-dimensional image(s) projected into a three-dimensional space).

In regard to dependent Claim 43, Nitta discloses:

- *the image manipulation application supports one of the user interface functions selected from the group consisting of:*
 - *editing operations, compositing operations, image processing operations, delete operations and add operations and other image modification operations (at least Pg. 4, Paragraphs [0087-0088], [0097-0101] → image processing and other image modification takes place both in preparing to*
 - *preview the image(s) and in preparing to print the image(s)).*

In regard to dependent Claim 44, Nitta discloses:

- *the input port comprises one of a connection port, a media reader slot, and a receiver (Pg. 7, Paragraph [0156-0157] → image data is received by the print preview projector mechanism from the data processor via USB, IEEE1394 (firewire) or 10BaseT or wireless communications such as IEEE802.11x, Bluetooth, or optical communications; all of which are connection ports. The printing device or the display unit can also have a scanning device for capturing images).*

In regard to dependent Claim 45, Nitta discloses:

Note: the phrase "image source" is interpreted to be a tangible medium the image is "stored" on rather than the image itself.

- *the apparatus communicates with an image source through a communication link, wherein the image source provides the image data; wherein the image source comprises one of a storage media, an image capture device, a digital camera, a personal communication device, a cellular telephone, a personal digital assistant, and other device external to the image rendering apparatus; and wherein the communication link comprises one of a wireless link, a wired link, a USB cable, and a channel (see Fig. 2 → steps S2 and S3 depict a sending/receiving of content data (images) from an image source (an image storage device) to an image display (projector) unit via wired or wireless communication means (see Pg. 7, Paragraphs [0156-0157]).*

In regard to dependent Claim 46, Nitta discloses:

- *the image data for the plurality of images comprises one of text data, a digital picture data, graphic data, drawing data and images (Figs. 4, 7-10 → Fig. 4 depicts text data, Figs. 7-10 depict primarily image data).*

In regard to dependent Claim 47, Nitta discloses:

- *the apparatus comprises one of a printer, a facsimile machine, and an all-in-one office machine (at least Figs. 4, 7, 9 → Figs. 4 and 9 depict a combination of*

printer and projection mechanism; Fig. 7 depicts a separate printer and projection mechanism).

In regard to dependent Claim 48, Nitta discloses:

- *a plurality of switches for use by a user to control print preview functions and image editing functions; wherein each switch, when activated by the user, generates a signal representing user input; and wherein the signal is provided to the print preview projection mechanism (Pg. 4, Paragraph [0099] → user controlled inputs are applied for varying projection adjustment values for projecting preview image(s) onto the projection surface).*

In regard to independent Claim 68, Nitta discloses:

- *An image rendering apparatus (Abstract → discloses a print preview projector for a printing device) comprising:*
 - *an input port configured to engage an external data source and to receive from the external data source binary image data defining a plurality of images to be rendered (Pg. 7, Paragraph [0156-0157] → image data is received by the print preview projector mechanism from the data processor via USB, IEEE1394 (firewire) or 10BaseT or wireless communications such as IEEE802.11x, Bluetooth, or optical communications. The printing device or the display unit can also have a scanning device for capturing images)*

- *a print preview projection mechanism coupled to the input port and configured to convert the received binary image data to displayable image data (Fig. 2; Pg. 3, Paragraph [0083] → discloses a print preview projector that projects binary images (bitmaps, jpegs) for adjustment and review by a user prior to sending the rendered image to a print device).*
- *a projection mechanism responsive to one of the displayable raw image data and the displayable edited image data to produce a display for viewing by a user Fig. 2; Pg. 3, Paragraph [0083] → discloses a print preview projector that projects binary images (bitmaps, jpegs) for adjustment and review by a user prior to sending the rendered image to a print device).*
- *a rendering engine coupled with the image editor to render the image using the edited image data (Pg. 4, Paragraph [0097] → determines projection mode, plane, and adjustment values for content data (image(s)) received from the content data receiver in order to properly project it. It is noted that this ability could apply to one or more images).*

Nitta fails to expressly disclose:

- *an image editor to receive as raw image data the received binary image data defining the plurality of images [[a]] and produce edited image data in response to user editing input signals; the image editor including
 - *a multiple image manipulation module to receive the raw image data, the edited image data and user input and, based thereon, to**

*generate a composite image file including the edited image data,
and*

- *a displayable data generator to generate displayable raw image data from the raw image data and to produce displayable edited image data from the edited image data;*

However, Cruikshank discloses *an image editor to receive as raw image data the received binary image data defining the plurality of images [[a]] and produce edited image data in response to user editing input signals* (Pg. 4, Paragraph [0042] → images selected for the poster can be zoomed, cropped, rotated or otherwise manipulated to conform to a chosen template as the poster is being assembled by the user).

Cruikshank further discloses *a multiple image manipulation module to receive the raw image data, the edited image data and user input and, based thereon, to generate a composite image file including the edited image data* (at least Figs. 3A-B, Pgs. 3-4, Paragraphs [0041-0042] → user chooses a template for their poster containing slots for images to be placed therein, the user can perform edits to the images, once completed, the “composite” image is rendered to a preview screen and then to a printer for hard-copy).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Nitta and Cruikshank as both inventions relate to the creation and display of renderable content. Both disclosures provide the user with a means to preview their creations prior to generating a hard copy; Nitta

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projects the preview onto a surface while Cruikshank displays a preview on a touch screen. Both disclosures also allow the user to interact with their displayed content until such time as they are ready to produce a hard copy. When combined with Nitta, Cruikshank provides the benefit of more detailed creation and editing of posters that can contain multiple images.

Response to Arguments

11. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on 8-5 M-F.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell
08/14/2007

/Doug Hutton/
Supervisory Primary Examiner
Technology Center 2100